

**OPINION
49-195**

November 21, 1949 (OPINION)

TOWNSHIPS

RE: Share of Funds

Yours of the 17th inst. relative to Fryburg Township has been received and referred to my desk.

You state that Fryburg Township thinks that it should receive a share in the following funds:

First: Motor fuel tax: The allocation of the part of this fund not going to the State Highway Fund, (2/3 to State Highway Fund) is to the various counties in proportion to the number of motor vehicles registered in each county to the total number of motor vehicles in the entire state. Each county's share is to be set aside as a separate fund under the sole control of the county commissioners and is to be used solely "in the construction, reconstruction, maintenance, and repair of the county highways, bridges, and culverts thereon, and city streets leading up to and connected with federal aid and state aid highways. Section 57-4113 N.D.R.C. 1943. Therefore, the townships as such have no claim to any part of the motor fuel tax.

Second: Motor vehicle registration fees: By section 39-0467 N.D.R.C. 1943, the excess of these fees over certain fixed charges against it is distributed fifty percent to the State Highway Department, and fifty percent to the counties of this state. Since there is no provision requiring the counties to apportion this money between the townships, it is our opinion that the townships as such have no claim upon it.

Third: Road and Bridge Funds: The fund provided by section 24-0501 must be expended only as provided by section 24-0502. This fund is expended by the county commissioners and it is our opinion that townships have no claim upon any part of this fund.

WALLACE E. WARNER

Attorney General